



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,207	10/23/2003	Zhibi Wang	LUTZ 2 00243	8175
48116	7590	08/05/2008	EXAMINER	
FAY SHARPE/LUCENT 1100 SUPERIOR AVE SEVENTH FLOOR CLEVELAND, OH 44114				PARK, JUNG H
ART UNIT		PAPER NUMBER		
2619				
			MAIL DATE	DELIVERY MODE
			08/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,207	WANG ET AL.	
	Examiner	Art Unit	
	JUNG PARK	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 April 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Remark

1. This communication is considered fully responsive to the Amendment filed on 4/24/08.
 - a. The Examiner acknowledges that Independent claims 9 and 10 have been changed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
3. Claims 9, 4-8, 10, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kall et al. (US 7149195, "Kall") in view of Jiang et al. (US 2002/0057678, "Jiang") and further in view of Tesink et al. (US 20040225733, "Tesink").

Regarding claim 9, Kall discloses a method for client-based multicast message transmission, the method including the steps:

- a) receiving a message content (receive multicast data from multicast source, see 22 fig.2 and col.6, ln.45-46) to be transmitted in a message (a multicast context message, see 64 fig.2);
- b) receiving delivery information (request multicast service, see col.4, ln.11-16) for first and second recipients to whom the message is to be transmitted (UE1 & UE2, see 12 fig.2);
- c) receiving an instruction to begin the message transmission (a multicast session activation, see col.8, ln.6-19);

- d) transmitting the message from the client to the first recipient (from GGSN via BS to UE1, see 38 & 12 fig.2) and a request for a response; and
- e) transmitting the message from the client to the second recipient (from GGSN via BS to UE2, see 38 & 12 fig.2).

Kall lacks what Jiang discloses, "f) receiving a report indicating an outcome for the message transmission to the first recipient (multicasting with acknowledge, see ¶.326); and g) receiving a report indicating an outcome for the message transmission to the second recipient (multicasting with acknowledge, see ¶.326)." Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the messaging service taught by Jiang into the system of Kall in order to provide guaranteed and scheduled delivery via Short Message Service (SMS) for quality assurance.

Kall and Jiang fail to disclose the amended limitations of "from a messaging client." Kall discloses Short Message Service (SMS) implemented in Global System for Mobile communications (col.2, ln.52-55)," but does not explicitly teach "a messaging client." However, Tesink discloses SMS based agents for multicasting the message to SMS-based subscribers (see ¶.50). The SMS, often called text messaging, is a means of sending short messages to and from mobile phones. SMS was originally defined as part of the GSM series of standards in 1985 as a means of sending messages of up to 160 characters, to and from GSM mobile handsets. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the method of SMS multicasting between mobile nodes disclosed by Tesink into the SMS method of Kall and Jiang in order to provide short message service to users for generating service provider's revenue and satisfying user's new service request.

Regarding claim 4, Kall discloses, “wherein the message content is received from a saved message area associated with the client (a list for a likely number of mobile stations, see col.4, ln.14-16).”

Regarding claim 5, Kall discloses, “wherein the delivery information for the first and second recipients is received from at least one of an input device associated with the client”, but lacks “a previously stored list of contacts associated with the client.” However, it is inherent to send the delivery information to all of the clients who have requested multicast service before in addition to the newly request clients, otherwise the previous requesters are not able to receive the multicast data.

Regarding claim 6, Kall does not explicitly disclose, “step b) further including: receiving delivery information for one or more additional recipients to whom the message is to be transmitted.” However, this claim is rejected for the same reasons and motivation set forth in the rejection of claim 5.

Regarding claim 7, Kall does not explicitly disclose, “wherein at least one of the additional recipients is a previously defined recipient group received from a stored list of contacts, the recipient group including delivery information for third and fourth recipients to whom the message is to be transmitted, the method further including the steps: f) transmitting the message from the client to the third recipient; and g) transmitting the message from the client to the fourth recipient.” However, this claim is rejected for the same reasons and motivation set forth in the rejection of claim 5.

Regarding claim 8, Kall does not explicitly disclose, "wherein the instruction to begin message transmission is received from an input device associated with the client." However, this claim is rejected for the same reasons and motivation set forth in the rejection of claim 2.

Regarding claim 10, it is a claim corresponding to claim 1, except the limitation of "a request for a response (alert, see ¶.326) and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 13-16, they are claims corresponding to claims 4-7, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

4. Claims 2, 3, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kall in view of Jiang and Tesink and further in view of Paila et al. (US 2003/0227916, "Paila").

Regarding claim 2, Kall, Jiang, and Tesink lack what Paila discloses, "wherein the message content is received from an input device associated with the client (an input device for Multimedia Message Service, see fig.6 and ¶.69-72)." Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include an input device for controlling MMS taught by Paila into the system of Kall, Jiang and Tesink since it is required to have an input interface to manage the message content.

Regarding claim 3, Kall, Jiang, and Tesink lack what Paila discloses, “wherein the input device includes at least one of a keypad, keyboard, pointing device, and voice recognition device (fig.6).” This claim is rejected for the same reasons and motivation set forth in the rejection of claim 2.

Regarding claims 11 and 12, they are claims corresponding to claims 2 & 3, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Response to Arguments

5. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2619

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jung Park
Patent Examiner

/STEVEN HD NGUYEN/

Acting SPE of Art Unit 2619/2600